

103D CONGRESS
1ST SESSION

H. R. 3491

To amend the Federal Employees' Compensation Act, and title 18 of the United States Code, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 10, 1993

Mr. FAWELL (for himself, Mr. GOODLING, and Mr. BALLENGER) introduced the following bill; which was referred jointly to the Committees on Education and Labor and the Judiciary

A BILL

To amend the Federal Employees' Compensation Act, and title 18 of the United States Code, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "FECA Fraud Deter-
5 rence Act".

6 **SEC. 2. DETERRENCE OF FRAUD AND ABUSE IN THE FECA**
7 **PROGRAM.**

8 (a) SECTION 8102.—Section 8102 of title 5, United
9 States Code, is amended by redesignating subsection (b)

1 as subsection (c), and by adding after subsection (a) the
2 following:

3 “(b) An individual convicted of a violation of section
4 1920 of title 18, United States Code, or of any other fraud
5 related to the application for or receipt of benefits under
6 subchapter I or III of this chapter shall, as of the date
7 of the conviction, forfeit all entitlement to any prospective
8 benefits provided by subchapter I or III of this chapter
9 for any injury occurring on or before the date of the con-
10 viction. Such a forfeiture of benefits shall be in addition
11 to any action the Secretary may take under section 8106
12 or 8129 of title 5, United States Code.”.

13 (b) SECTION 8116(e).—Section 8116 of title 5,
14 United States Code, is amended by adding at the end the
15 following:

16 “(e) Notwithstanding any other provision of this title,
17 no benefits under this subchapter shall be paid or provided
18 to any individual during any period during which such in-
19 dividual is confined in a jail, prison, or other penal institu-
20 tion or correctional facility pursuant to that individual’s
21 conviction of an offense that constituted a felony under
22 applicable law, except where such individual has one or
23 more dependents within the meaning of section 8110, in
24 which case the Secretary may, during the period of incar-
25 ceration, pay to such dependents a percentage of the bene-

1 fits that would have been payable to such individual com-
2 puted according to the percentages set forth in paragraphs
3 (1) through (5) of section 8133(a).”.

4 (c) SECTION 8116(f).—Section 8116 of title 5,
5 United States Code, as amended by subsection (b), is fur-
6 ther amended by adding at the end the following:

7 “(f) Notwithstanding the provisions of section 552a
8 or any other provision of Federal or State law, any agency
9 of the United States Government or of any State (or polit-
10 ical subdivision thereof) shall make available to the Sec-
11 retary, upon written request, the names and social security
12 account numbers of any individual, who is confined in a
13 jail, prison, or other penal institution or correctional facil-
14 ity under the jurisdiction of such agency, pursuant to the
15 individual’s conviction of an offense that constituted a fel-
16 ony under applicable law, which the Secretary may require
17 to carry out the provisions of this subsection.”.

18 (d) SECTION 1920.—The text of section 1920 of title
19 18, United States Code, is amended to read as follows:
20 “Whoever knowingly and willfully falsifies, conceals, or
21 covers up a material fact or makes a false, fictitious, or
22 fraudulent statement or representation, or makes or uses
23 a false statement or report knowing the same to contain
24 any false, fictitious, or fraudulent statement or entry in
25 connection with the application for or receipt of compensa-

1 tion or other benefit or payment under subchapter I or
2 III of chapter 81 of title 5, United States Code, shall be
3 guilty of a felony, and on conviction thereof shall be pun-
4 ished by a fine of not more than \$250,000, or by imprison-
5 ment for not more than 5 years, or both.”.

6 **SEC. 3. EFFECTIVE DATE.**

7 (a) SECTION 2(a).—The amendments made by sec-
8 tion 2(a) shall be effective on the date of enactment of
9 this Act and shall apply to actions taken on or after such
10 date of enactment both with respect to claims filed after
11 such date and to claims pending on such date.

12 (b) SECTIONS 2(b) AND 2(c).—The amendments
13 made by sections 2(b) and 2(c) shall be effective on the
14 date of enactment of this Act and shall apply to any per-
15 son convicted or imprisoned on or after the date of enact-
16 ment of this Act.

17 (c) SECTION 2(d).—The amendment made by section
18 2(d) shall be effective on the date of enactment of this
19 Act and shall apply to any claim, statement, representa-
20 tion, report, or other written document submitted in con-
21 nection with a claim filed under subchapter I or III of
22 chapter 81 of title 5, United States Code.

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